

FAEGRE & BENSON LLP

2200 WELLS FARGO CENTER, 90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-3901
TELEPHONE 612-766-7000
FACSIMILE 612-766-1600

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Date: December 16, 2005

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Number of pages (including this page): 3

F&B File No.: 75028-309284 Rec.: 6038

From: Scott A. Marks

Telephone Number: 612/766-7820

To: REIMERS, Annette R.
Art Unit: 3732

Fax No.: 571-273-8300
Phone No.: _____

Patent & Trademark Office, Technology Center 3700

| | |
|--|--------------------------------------|
| Inventor(s): JAMES R. MUJWID et al. | Examiner: REIMERS, Annette R. |
| Appln. No.: 10/685,767 | Group Art Unit: 3732 |
| Filing Date: October 14, 2003 | |
| Title: EXPANDABLE INTERVERTEBRAL IMPLANT CAGE | Docket No. 75028-309284 |

Attached to this facsimile communication cover sheet is a Request for Continued Examination for filing, faxed this 16th day of December 2005.

- Request for Continued Examination (1 pg.)
- Credit Card Payment Form in the amount of \$1040.00 for: 790.00 filing fee; 50.00 excess claim fee; 200.00 excess independent claim fee

02 FC:1201
03 FC:1202

200.00 OP
50.00 OP

If you do not receive all pages, please call
Lisa Johnson at 612.766.7131.

| | | |
|--|------------------------|---------------------|
| Request For Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Application Number | 10/685,767 |
| | Filing Date | October 14, 2003 |
| | First Named Inventor | James R. Mujwid |
| | Art Unit | 3732 |
| | Examiner Name | REIMERS, Annette R. |
| | Attorney Docket Number | 75028 - 309284 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-0029. I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 C.F.R. 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. ☒ Other: Any deficiencies or overpayments.

b. ☐ Check in the amount of \$ ____ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed) (\$1040.00: 790.00 filing fee; 50.00 excess claim; 200.00 excess independent claim)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
|---|-----------------------|------------------|-------------------|
| Signature | <i>Scott A. Marks</i> | Date | December 16, 2005 |
| Name (Print /Type) | Scott A. Marks | Registration No. | 44,902 |

| CERTIFICATE OF MAILING OR TRANSMISSION | | | |
|---|--------------|------|-------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. | | | |
| Signature | | | |
| Name (Print /Type) | Lisa Johnson | Date | December 16, 2005 |

SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/19/2005 MBINAS 00000009 10685767

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